

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Police – Sri Mohd. Azeemuddin, PC 4358 of Ramgopalpet PS – Taken on duty after (11) years – payment of salary to Sri Mohd. Azeemuddin, PC 4358, for the duty period, and subsistence allowance for the suspension period as per FR 53– Orders - Issued.

HOME (SERVICES-2) DEPARTMENT

G.O.Rt.No. 339

Dated:5-3-2012

Read the following:

1. From the DGP, AP, Hyderabad, Lr.Rc.No.2360/Appeal-2/2010, Dated: 23-7-2010
2. Govt.Memo.No. 22284/Ser.II/A3/2010, dated: 14-12-2010
3. From the DGP, AP, Hyderabad. Lr.Rc.No.2360/Appeal-2/2010, Dated: 2-7-2011

ORDER:

The Director General of Police, Andhra Pradesh, Hyderabad, in his letter 1st read above, has stated that Sri Mohd. Azeemuddin, PC 4358 who obtained sick passport on 4-2-1995 and overstayed from sick leave and after a lapse of 11 years, the individual reported for duty on 9-3-2006. He was taken on duty and placed under suspension on 23-3-2006, for his unauthorized absence and later he was released from suspension on 5-12-2007. Subsequently an OE was ordered against him on 18-7-2008, by appointing the ACP., Begumpet, as Inquiring Authority. The departmental inquiry is still pending with the Inquiring Authority. He has further stated that on claiming of the salary of duty period and subsistence allowance for the suspension period of the said PC, the PAO has rejected and returned the bills on the grounds that “as per GO Ms.No.11 (Fin & FR.I) Dept., dated: 13-1-2004, the individual absented from duty for more than one year, he is deemed to have been dismissed from service, hence, ratification order from Government may be obtained and enclosed to the bills”.

2. The DGP, AP, Hyderabad, further stated that as per the Govt instructions in Circular Memo No.C-9101-4/FR.I/91 F&P (Fin. Wing F.R.I) Dept., dated: 25-12-1991 vide para-3 (b), ‘if a member of service who remains absent without any leave gives a joining report it should be ensured by the competent authority that he is permitted to join immediately pending initiation of the disciplinary action for unauthorized absence’. In G.O.Ms.No.11 (FR.I) Dept, dated: 13-4-2004 amended the rule 5-A after Note-3 of AP leave Rules, 1933 and in G.O.Ms.No.8 Fin (FR.I) Dept, dated: 8-1-2004 amended the Rule 18 Note-4 of Fundamental Rules that in all cases of unauthorized absence to duty for a continuous period exceeding one year the penalty of removal shall be imposed on the Government employee after duly following the procedure laid down in the APCS Rules, 1991. Therefore, according to the said Rules, it does not mean that the said PC 4358 who remains absent for 11 years and when he reported to duty, the penalty of removal from service should be imposed on him without following the procedure laid down under Rule 20 of APCS (CC&A) Rules, 1991. As soon as the enquiry report is received from the Inquiring Authority, the case will be disposed on merits by keeping the above said rules. He has therefore, requested to issue suitable orders to Pay and Account, Hyderabad, that the decision of the Commissioner of Police, Hyderabad, in taking the PC 4358 on duty w.e.f. 9-3-2006, after (11) years is within the consonance of Government Circular Memo.No.C.No.9109-4/8/FR.I/91 F&P (Fin.Wing F.R.I) Dept., dated: 25-12-1991 and directions may be obtained to admit the claim of duty period/suspension period, pay allowance of the said PC.

3. In the reference 3rd read above, the DGP, AP, Hyderabad, has further stated that the Inquiring Authority after conducting the oral enquiry submitted the minutes on 22.5.2010, duly holding the charge as proved and after following the procedure the individual was awarded with the orders of punishment of ‘Removal from Service’ and the period of absence w.e.f. 4.2.1995 to 6.3.2006 and the suspension period w.e.f. 25.3.2006 to 30.12.2007 were treated as ‘Not on duty’ vide D.O.No.594, dated: 9.2.2011. Further, the CP, Hyderabad has reported that, the DCP, Central Zone, Hyderabad was directed to fix up responsibility on the concerned Station House Officer and staff for not taking timely action in sending a detailed report during the period from 4.2.1995 to 6.3.2006 i.e., on the unauthorized absence of the PC which came to light only when the PC 4358 Mohammed Azeemuddin of Ramgopalpet PS reported for duty after 11 years and to send report to his office immediately. Action would be taken against the concerned, on receipt of the report.

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4. Government after careful examination of the matter, hereby order for payment of salary for the duty period and subsistence allowance for the suspension period as per FR 53, to Sri Mohd. Azeemuddin, Ex.PC 4358, Hyderabad city.

5. The Director General of Police, Andhra Pradesh, Hyderabad, is requested to take necessary action accordingly in the matter.

6. This order issued with the concurrence of the Finance (FR.II) Department vide their U.O.No. 32286/748/FR.II/11, dated: 16-1-2012.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

AJOYENDRA PYAL
PRINCIPAL SECRETARY TO GOVERNMENT

To,
The Director General of Police, Andhra Pradesh, Hyderabad,
SC/SF

//Forwarded:: By order//

SECTION OFFICER